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12
13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15
16 EMPLOYERS INSURANCE COMPANY
OF WAUSAU,
17
Plaintiff,
18
v.
19
20 PEPSIAMERICAS, INC.; TRAVELERS
INDEMNITY COMPANY;
CONTINENTAL INSURANCE
21 COMPANY; ARGONAUT INSURANCE
COMPANY; NORTHWESTERN
22 NATIONAL INSURANCE COMPANY OF
MILWAUKEE, WISCONSIN; NATIONAL
23 UNION FIRE INSURANCE COMPANY OF
PITTSBURGH, PA; CENTURY
24 INDEMNITY COMPANY; ALLSTATE
INSURANCE COMPANY; ONE BEACON
25 INSURANCE GROUP; and DOES 1 through
50, inclusive,
26
Defendants.
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Case No. 3:09-cv-03419-CRB
**STIPULATION AND ~~PROPOSED~~
ORDER FOR DISMISSAL OF
WAUSAU'S ENTIRE ACTION AS TO
DEFENDANT PEPSIAMERICAS,
INC. ONLY WITH PREJUDICE**

Complaint Filed: June 29, 2009
Action stayed: October 19, 2009
Judge: Hon. Charles R. Breyer

1 IT IS HEREBY STIPULATED AND AGREED TO between Plaintiff
2 Employers Insurance Company of Wausau ("Wausau") and Defendant
3 PepsiAmericas, Inc. ("PepsiAmericas"), through their designated counsel, that
4 pursuant to FRCP 41(a)(1) the captioned matter be, and is hereby dismissed as
5 follows:


6 (1) With prejudice as to Wausau's entire action and prayers for relief
7 against PepsiAmericas;

8 (2) Wausau and PepsiAmericas each to bear their own, respective
9 attorneys' fees and costs.

10 Separately, Wausau will dismiss without prejudice its 4th Claim for Relief
11 and prayers based thereon contained in Wausau's action/compliant against the
12 remaining defendants, including Continental Insurance Company, Northwestern
13 National Insurance Company of Milwaukee, Wisconsin, National Union Fire
14 Insurance Company of Pittsburgh, PA, Century Indemnity Company, Allstate
15 Insurance Company and OneBeacon Insurance Group (Defendant Argonaut
16 Insurance Company having been dismissed by the Court on October 19, 2009, with
17 each party to bear its own attorneys' fees and costs).

18 Date: January 11, 2010

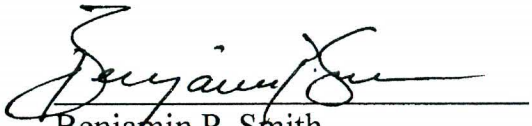
BARBER LAW GROUP

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21 Bryan M. Barber
22 Attorneys for Plaintiff Employers
Insurance Company of Wausau

23
24 Date: January 11, 2010

MORGAN, LEWIS & BOCKIUS

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27 Benjamin P. Smith
28 Attorneys for Defendant
PepsiAmericas, Inc.

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GOOD CAUSE appearing, IT IS SO ORDERED.

Date: January 12, 2010

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Honorable Charles R. Breyer
United States District Court

